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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/652,695	08/31/2000	Jim B. Estipona	INTL-0448-US (P9559)	3818
21906 7590 01/09/2007 TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER SALCE, JASON P	
			ART UNIT 2623	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/652,695

Applicant(s)

ESTIPONA, JIM B.

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 October 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The indicated allowability of claims 1-7 and 14-25 are withdrawn in view of Gagnon.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

On page 53, First Paragraph, the "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" state that, "*In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory*". The claims do not claim a computer-readable medium, only a medium, therefore the claims are not statutory.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

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granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-4, 6-11, 13-15 and 17-24 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Gagnon et al. (U.S. Patent No. 6,522,342).

Referring to claim 1, Gagnon discloses transmitting enhanced television content (see Column 8, Lines 8-11 for a system that broadcasts (transmits) video programming, data services and web pages and Column 8, Lines 25-27 for the preferred embodiment of the system being a DIRECTV broadcast satellite based system, therefore Gagnon clearly teaches transmitting enhanced television content). Further note Column 9, Lines 39-62 for the system constructing a GUI using periodically broadcast file data.

Gagnon also discloses transmitting an announcement for said enhanced television content (see Column 9, Lines 39-52 for receiving real-time data broadcasts, which include multiple types of announcements: SDP+ records and other announcements such as webcast data catalog updates), said announcement including a session identifier having a value announcing the availability of an electronic programming guide for said enhanced television content (see Column 10, Lines 31-48 for the received announcement (SDP+ records) informing the user (announcing) when (a first value) and on what IP address (a second value) the large file mentioned above will be broadcast, therefore clearly announcing the availability of information and further note Column 10, Lines 38-48 for the announcement (SDP+ records) being used to construct the GUI pages displayed to the user, which in Figure 2A and at Column 10, Lines 66-67 clearly teaches an electronic program guide).

The examiner further notes again, that Gagnon clearly teaches both a time of broadcast and an IP address, both of which are a session identifier having a value, that informs the user (announces) when and where the GUI data can be accessed, in addition the examiner notes Column 34, Line 5 through Column 37, Line 28 for further description of how basic EPG data and the SDP+ records (announcements) are used to construct an EPG.

Referring to claim 2, Gagnon discloses transmitting an announcement includes transmitting the announcement in a session description protocol (see the rejection of claim 1 and again note Column 10, Lines 31-48 and Column 34, Line 5 through Column 37, Line 28).

Referring to claim 3, Gagnon discloses transmitting an announcement includes transmitting a unique session identifier, which identifies an electronic programming guide (see again the rejection of claim 1 for the SDP record containing an IP address used to inform the user where to retrieve the electronic programming guide). Further note Column 34, Lines 25-26 for the session identifier including the IP address and even further note that the IP address is part of the "o" section of the SDP+ records, which according to RFC 2327 (referenced by Gagnon) includes not only the network address (IP address) but also a session id value (see Page 9 of RFC 2327).

Referring to claim 4, Gagnon discloses transmitting a session identifier, which is a unique number (see the rejection of claim 3 and note that an IP address is a unique number used to identify every computer connected to a global network such as the Internet). Further note again the "o" section of the SDP+ records, which not only includes the IP address, but a session id value, which according to RFC 2327 includes an NTP timestamp (see Page 9 of RFC 2327). Further note Column 35, Lines 38-40 of Gagnon for the session ID being a unique session ID.

Referring to claim 6, Gagnon disclose transmitting a session name (see Figures 32A-32D for the "s" and "i" value and Column 34, Lines 25-28).

Referring to claim 7, Gagnon discloses that transmitting a session name includes transmitting a human readable session name (specifically note Figure 32C which has the "s" session name value as CNN) indicative of an electronic program guide (further note in Figure 32C that value "i" further describes that the session name CNN is for all of the television program listings for CNN, therefore CNN is a human readable session name that is indicative of an electronic program guide).

Referring to claim 8, see the rejection of claim 1 and further note Figures 1 and 25 for the computer readable medium storing instructions to execute a processor based system to perform the steps rejected in claim 1.

Referring to claims 9-11, see the rejection of claims 2-4, respectively.

Referring to claim 13, see the rejection of claims 6-7.

Referring to claim 14, see the rejection of claim 1 and further note transmitter station 102 in Figure 1, which clearly discloses a processor-based transmitter (encoder 116 or converter 118 in Figure 1) and a storage coupled to said processor based transmitter (see data sources 108-114 in Figure 1) storing instructions that enabling the process rejected in claim 1.

Referring to claim 15, see the rejection of claims 3-4.

Referring to claim 17, see the rejection of claim 1 and further note receiver station 106 in Figure 1, which contains the functionality to extract the incoming content (see Column 10, Lines 35-37) transmitted in the rejection of claim 1.

Referring to claim 18, Gagnon discloses determining whether the enhanced television content includes an electronic programming guide (see Figure 32C and Column 36, Lines 43-60 for using the SDP record to determine if the enhanced television content for CNN contains television listings by processing the "i" field).

Referring to claim 19, Gagnon discloses determining whether an electronic programming guide has already been cached (see Column 27, Line 56 through Column

28, Line 28 for retrieving electronic program guide data from local storage/cache 541 or through an SDP record). Further note Column 14, Line 63 through Column 15, Line 12 for caching web page links displayed in the electronic program guide and determining whether a page is locally stored in cache or must be retrieved from the Internet.

Referring to claim 20, Gagnon discloses processing the announcement without regard for the electronic programming guide if the programming guide is already cached (see Column 27, Line 56 through column 28, Line 28 and Column 9, Lines 39-62 for further accessing SDP records to further supplemental electronic program guide data that already resides in the receiver and is used to display basic pages). Therefore, the SDP records that contain the announcement is processed in order to retrieve information that is accessed through a sub-link without regard for the basic electronic programming guide page, which is already cached.

Referring to claims 21-22, see the rejection of claims 17-18, respectively.

Referring to claim 23, see the rejection of claims 19-20.

Referring to claim 24, see the rejection of claim 17.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the



invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 12, 16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagnon et al. (U.S. Patent No. 6,522,342) in view of RFC 2327 (SDP: Session Description Protocol).

Referring to claim 5, Gagnon discloses all of the limitations in claim 4, but fails to teach that transmitting a session identifier includes transmitting the number 2208988800. The examiner notes that Gagnon does teach transmitting the numbers 0001 and 17 (see Figure 32A of Gagnon), however, this is not the Unix zero time value, which is equivalent to the NTP value 2208988800.

RFC 2327 also teaches that the SDP records contain the "o" section, which includes the unique values <session id> and <version> (see Pages 7-9). The examiner notes that RFC 2327 clearly states on Page 9 that allocation of these values is up to the creating, but RFC 2327 clearly recommends an NTP timestamp to be used for these two unique values and that the NTP value can be 2208988800 (see Page 15 of RFC 2327). The examiner notes that on Page 15, an NTP value is converted to UNIX time by subtracting decimal 2208988800, therefore if the NTP timestamp value is zero, then the session id would be -2208988800, which is clearly taught on page 6 of Applicant's own specification.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the <session id> value, as taught by Gagnon, using an NTP timestamp value, for the purpose of ensuring uniqueness (see Page 9 of RFC 2327).

Referring to claims 12, 16 and 25, see the rejection of claim 5.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.


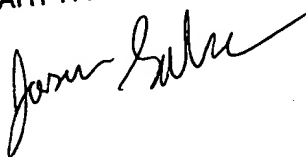
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce  
Primary Examiner  
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January 3, 2007

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